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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,678	12/21/2001	Boris G. Traktovenko	60,469-055; OT-4994	4980

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EXAMINER

FLANDRO, RYAN M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 03/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,678

Applicant(s)

TRAKTOVENKO ET AL.

Examiner

Ryan M Flandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3. 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1 – Figures 1-3

Species 2 – Figures 4-7

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-4, 13, 14, and 19 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with David J. Gaskey on 21 March 2003, a provisional election was made **with** traverse to prosecute the invention of species 2, claims 1-4 and 10-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 5-9 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

3. The disclosure is objected to because of the following informalities:
- a. Page 3 line 20. The reference numeral "28" following the word "wedge" should be changed to "26".
 - b. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt (US 5,243,739).

- a. Claim 1. Schmidt shows and discloses a socket portion **11**; a wedge portion **52** that is at least partially received within the socket portion **11** such that a portion of the elongated load bearing member **62** is received between the socket portion **11** and the wedge portion **52**; and at least one brace member **15** that secures the wedge portion **52** within the socket portion **11** (see figures 1-3).
- b. Claim 2. Schmidt further shows and discloses the socket portion **11** is an extruded metal piece.
- c. Claim 3. Schmidt also shows and discloses that the wedge portion **52** is an extruded metal piece.
- d. Claim 4. Schmidt shows the socket portion **11** and the wedge portion **52** having a constant cross sectional profile.
- e. Claim 10. Schmidt further shows and discloses the brace **15** is an extruded metal piece that is received at least partially around the socket **11**.
- f. Claim 11. Schmidt shows and discloses the socket **11** including a projection **60** that operates to hold the brace **15** in place on the socket **11**.
- g. Claim 13. Schmidt shows and discloses an extruded socket portion **11**; and an extruded wedge portion **52** that is at least partially received within the socket portion **11** such that a portion of the elongated load bearing member **62** is received between the socket portion **11** and the wedge portion **52** (see figures 1-3).
- h. Claim 14. Schmidt shows and discloses at least one brace member **15** that secures the wedge portion **52** within the socket portion **11**.
- i. Claim 15. Schmidt discloses that the brace member **15** is an extruded metal piece.

- j. Claim 16. Schmidt shows the socket **11** including a projection **60** that operates to hold the brace **15** in place on the socket **11**.
- k. Claim 19. Schmidt shows and discloses a brace portion **36** that secures the wedge portion **52** within the socket portion **11** and wherein the brace portion **36** includes a load bearing member **62** engaging surface **44** that is adapted to secure a portion of the load bearing member **62** between the brace member **15** and the socket portion **11** (figures 2-3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt, as applied above, in view of Reynolds (US 2,085,333). Schmidt lacks disclosure of the brace including an opening through at least one sidewall of the brace and the wedge portion includes an opening, the openings being situated such that a tool can be received into the openings and utilized to manipulate the wedge portion relative to the brace. Reynolds, however, teaches a wedge portion **31** including an opening **36**, such that a tool can be received into the opening **36** and utilized to manipulate the wedge portion **31** relative to a socket portion **20** (see figure 1; column 3 lines 55-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made modify the brace and wedge of Schmidt by providing access holes in order to allow easy removal of the wedge by use of a tool as taught by Reynolds.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt, as applied to claim 13, in view of Brendel (US 4,536,921). Schmidt shows the socket portion **11** including first and second legs **22**, but lacks disclosure that the first leg is obliquely oriented relative to the second leg and being movable into a generally parallel alignment with the second leg responsive to movement of the wedge portion within the socket portion. Brendel, however, teaches a first leg **2** obliquely oriented relative to a second leg **7** and being movable into a generally parallel alignment with the second leg **7** responsive to movement of a wedge portion **9** within the socket portion **1** to permit secure clamping of the cable in the closed position (see figure 1; column 1 lines 45-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made modify the socket of Schmidt by providing an

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obliquely oriented leg moveable upon action of the wedge in order to provide secure clamping of the load bearing member as taught by Brendel.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to elevator load bearing termination assemblies:

U.S. Patent Publication 2003/0041419 to Perez et al.

U.S. Patent 4,602,891 to McBride


U.S. Patent 482,975 to Cope

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ryan M. Flandro
March 21, 2003


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670